



CITY OF CONCORD

NEW HAMPSHIRE

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ECONOMIC DEVELOPMENT ADVISORY COUNCIL

Minutes

July 31, 2009

7:30 A.M.

The meeting convened at Lincoln Financial Group, One Granite Place, Concord. Coffee and refreshments were served compliments of Byron Champlin.

Chairperson Carley called the meeting to order at 7:40 A.M.

PRESENT: Allen Bennett, Tim Bernier, Doug Black, Christopher Carley, Maura Carroll, Byron Champlin, Mark Coen, Peter Cook, Larry Gloekler, Dan St. Hilaire, and Stephen Heavener

ABSENT: John Hoyt, Jan McClure, Bill Norton, and Claudia Walker

STAFF: Carlos Baía, Deputy City Manager - Development
Bev Rafferty, Administrative Assistant

I. MINUTES OF THE JUNE 5, 2009 EDAC MEETING

Tim Bernier had two edits as follows: page. 2, last paragraph, change the wording “would **not** affect the downtown” to “would **minimally** affect the downtown”; and on page 3, sixth paragraph, delete the second sentence and insert the following: “With regard to the term limits, Tim Bernier noted he has discussed this with former Planning Board members and they feel this is a good idea.”

Larry Gloekler made a motion to accept the minutes as amended; seconded by Mark Coen; motion passed unanimously.

Chairperson Carley amended the agenda to take items IV and III at this time.

IV. INFORMATION ITEM - LETTER OF THANKS FROM LEAGUE OF N. H. CRAFTSMEN

As this was an informational item only, there was no discussion needed on this.

III. CITY COUNCIL REFERRAL - REZONING REQUEST - 51 TANNER STREET, PENACOOK

Carlos Baía gave a brief review of the request for rezoning the property at 51 Tanner Street. He explained that the request had come to EDAC from City Council at their June 8th meeting.

The property is behind Citizens Bank in Penacook. It is currently zoned Urban Commercial, is adjacent to a piece of city property. The request is to rezone it to Central Business Performance District (CBP). CBP provides greater flexibility specifically in terms of parking.

This property is separated from the CBP zone by city property. It was asked if the CBP could be extended from the core to the west encompassing the city land. Mr. Baía noted Planning Board would have to consider that in its review.

The city property next to 51 Tanner Street is a small city park with a parking lot. The old warehouse next to it is what will be renovated with this zoning request.

Stephen Heavener inquired about the cost of doing this renovation but no dollars have been noted yet. The owner wishes to renovate the warehouse building into a mixed use.

Mark Coen inquired if the rezoning included the city property, would that increase the value of same as City Council is currently looking at surplus city-owned property. Mr. Baía noted it might make it more valuable.

Byron Champlin noted the zoning change would afford the neighborhood use of a derelict building. He made a motion to rezone the property to CBP; seconded by Allen Bennett. Discussion: as the 51 Tanner Street is not adjacent to the CBP district but is separated by the city property, EDAC noted that to avoid "spot zoning", this zoning change should likely include the city property as well. Based on that stipulation, the motion passed unanimously.

At this time the agenda items continued as follows:

II. EDAC REGULATIONS SUB-COMMITTEE FINAL REPORT

Chairperson Carley noted EDAC needs to go through the items on pages 3, 4, and 5 of the draft report included in the agenda package. If EDAC is going to make recommendations, it needs to have a thorough understanding of them.

EDAC's job was to look at zoning and planning regulations and provide recommended changes to the Mayor and others. Changes were to be made in accordance with the new Master Plan. Mr. Carley noted the Mayor was going to seek

recommendations from other groups/committees but, to date, this had not been accomplished.

Carlos Baía noted that he and the Mayor had recently met with Concord 2020 and they offered to host a series of forums on this. They hope to schedule a series of 2 or 3 meetings in October/November - January timeframe. The meetings would be open to individuals and formal groups. The Chamber of Commerce Local Government Affairs Committee was mentioned and should be included.

Chairperson Carley noted not much time needed to be spent on the introductory pages of the report so EDAC began with page 3 "Reviewing Authority". Item 1 addressed an applicant having to go before the Zoning Board of Adjustment (ZBA) and Planning Board (PB) for the same question. EDAC members noted some examples, i.e. black topping vs. using gravel. Another area discussed was historic district signage and Stephen Heavener noted that the Heritage Commission should stay in the loop with this item. It was also noted that the applicant has to pay a fee for each board.

Chairperson Carley noted the intent is to ask the city to go through and identify where they (boards/committees) overlap with each other.

Tim Bernier commented that item #2 discusses moving specific things the ZBA does and not have applicant go through the same thing with the Planning Board - just decide who does what. Design criteria should not fall under zoning but rather under Planning Board. The ZBA has a structured process; Planning Board is a more open forum. Peter Cook inquired if there is a clear definition of what the ZBA and Planning Board do. Chairperson Carley noted ZBA could approve something but when it gets to Planning Board, they could say "no". This suggested recommendation would remove appropriate sections from the Zoning Ordinance and move them to the site plan/subdivision regulations.

Mark Coen suggested preparing a visual aid flowchart noting what is proposed and where the applicant has to go for approvals, etc.

Maura Carroll felt a visual aid would be a good idea. A chart would show the process to be followed; solidify for both parties why it is a good idea or a bad idea.

Chairperson Carley named a couple of projects that could be used as examples but it was determined by EDAC to keep the projects hypothetical instead. Mr. Carley also inquired if city staff had ever followed up with customers to ask how the development review process went after it was over. Carlos Baía noted the city had provided regular customer service surveys over the recent years and out of 100 cases, as an example, one reply might have been about planning; the other 90 tended to focus on the building/code administration division.

Mark Coen inquired if the city moves something from ZBA to Planning Board, will that put more on planning. Chairperson Carley noted the idea is to get the

regulatory process more flexible. Carlos Baía noted if you come into the weekly development team meetings, 3/4 of the time is spent on regulations that a potential application can or cannot meet. If the regulations were more flexible, people would think creatively.

The Planning Board has an easier time to make changes to the recommendations; ZBA cannot make changes to the recommendations so moving things to the site plan regulations allows more flexibility. Chairperson Carley also noted this saves the applicant some money as they would only have to pay one board fee vs. two. Byron Champlin noted that part of what EDAC is trying to do is encourage entrepreneurial activity.

Peter Cook inquired if there is a town where this works well; he wanted to make sure we are not chasing something that will not work. Dan St. Hilaire noted that there have been other changes to the City's development review process that were necessary over the recent years.

General consensus: item #1, there should not be two reviews of the same issues; EDAC voted in the affirmative.

Section 1, Item 2: rules from zoning that should be guidelines in planning. Based on discussion regarding item #1 above, EDAC voted in the affirmative for general consensus on this item.

Section 1, Item 3: Architectural Design Review Committee (ADRC): Chairperson Carley explained the ADRC. He noted that if the design review committee OK's the aesthetics of a sign's design, the Planning Board should not have authority to change it. Tim Bernier noted the ADRC needs better structure. The meetings are very fluid and there is no chairperson, only a staff member. The regulations sub-committee suggests better meeting structure for the ADRC.

(Maura Carroll left the EDAC meeting at 8:45 A.M.)

It was noted ADRC is not consistent. Carlos Baía noted that the type of review conducted by ADRC is not unique to Concord. Chairperson Carley noted that ADRC needs to be formalized and a chair elected from its members - and the chair may not be a staff person. ADRC should conduct its meetings the way other public meetings are conducted. It was further noted that if ADRC makes an approval, the Planning Board should not have authority to change it, however, if ADRC denies a submission, Planning Board can act as a venue for appeal.

General consensus: item # 3, EDAC voted in the affirmative for general consensus on this item.

Section 1, item 4: Training at Local Government Center (LGC): Chairperson Carley noted that the ZBA has already started having its members attend training at

LGC. Once a member has been through the training, they do not need to do it every year.

General consensus: item # 4: EDAC voted in the affirmative for general consensus on this item.

Section 1, item 5: Allow applicants to make the initial presentation directly to the PB or ZBA: The appellant can present his/her case to the ZBA but at Planning Board, the case is presented by a staff person. Staff controls the perception. It is reasonable that the applicant should have the first shot or at least the option to decline making the initial presentation.

Peter Cook suggested having a time limit; the chairperson should control that. Tim Bernier noted in most communities, staff will present technical information and then turn the presentation over to the applicant and that seems to work well.

Byron Champlin voiced support for the option of giving the applicant the first opportunity to speak at the public hearing.

General consensus: item # 5: EDAC voted in the affirmative for general consensus on this item.

(Doug Black and Dan St. Hilaire left the meeting at 9:05 A.M.)

Due to the time, 9:10 A.M., the meeting ended and it was decided to hold the next EDAC meeting on Friday, August 28, 2009, when review of this report will continue. Larry Gloekler of Laconia Savings Bank will host.

Respectfully submitted,

Beverly A. Rafferty
Administrative Assistant